IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2711 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BAKULABEN BALKRUSHNA RAO

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR BD KARIA for Petitioner

MS PAURAMIS SHETH FOR MR AKSHAY H MEHTA

Sr. Central Govt. Standing Counsel for Respondent.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 18/04/2001

ORAL JUDGEMENT

Rule. Ms. Paurami Sheth for Akshay H. Mehta, Sr. Central Govt. Standing Counsel appears on behalf of the respondent and she waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to the respondent authority to correct the date of birth of the petitioner from 01--6-1949 to 04-05-1949, in the passport No.A.8276230 on the basis of the birth certificate as per the order passed by the learned Judicial Magistrate dated 20-3-2001.

3. The petitioner has already moved an application dated 29-3-2001 before the respondent authority for correction of the birth date from 01--6-1949 to 04-05-1949, in the passport No.A.8276230 on the basis of the birth date certificate as per the order passed by the learned Judicial Magistrate dated 20-3-2001. But the respondent authority has not entertained the application of the petitioner as it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the Court of Law in this respect. The learned counsel for the petitioner submitted that wrong date of birth of the petitioner as 04-05-1949 has been mentioned in the passport on the basis of the school leaving certificate. The petitioner has produced birth date certificate issued by the authority concerned pursuant to order passed by the learned Judicial Magistrate on 20-3-2001 showing the correct date of birth of the petitioner as 04-05-1949.

4. In the facts and circumstances of this case, this application is being disposed of by directing the authority concerned to entertain, consider and decide the application dated 29-3-2001 filed by the petitioner in accordance with law and make correction with regard to the date of birth of the petitioner from 01--6-1949 to 04-05-1949, in the passport No.A.8276230 on the basis of the birth date certificate issued by the authority concerned as per the order passed by the learned Judicial Magistrate on 20-3-2001, if he is satisfied from of the material produced by the petitioner and issue passport with correct date of birth as aforesaid, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is discharged. D.S. is permitted.

-0-0-0-0-0-

/JVSatwara/